

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

SNMP RESEARCH, INC. and SNMP RESEARCH INTERNATIONAL, INC.,	§	
	§	
	§	Case No. 3:20-cv-00451-CEA-DCP
Plaintiffs,	§	
	§	
	§	
v.	§	Jury Demand
	§	
	§	
BROADCOM INC.; BROCADE COMMUNICATIONS SYSTEMS LLC; AND EXTREME NETWORKS, INC.,	§	
	§	
	§	
Defendants.	§	
	§	
	§	

**PLAINTIFFS' RESPONSE IN SUPPORT OF DEFENDANTS'
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Come now Plaintiffs SNMP Research, Inc. and SNMP Research International, Inc. (collectively “Plaintiffs”), by and through counsel, pursuant to Fed. R. Civ. P. 5.2 and Local Rule 26.2(b) of this Court, and this Court’s Memorandum and Order Regarding Sealing Confidential Information [Doc. 11], and respectfully submit this response in support of Defendant’s Motion for Leave to File Documents Under Seal (“Motion to Seal”) [Doc. 158] filed by Defendants Broadcom, Inc. and Brocade Communications Systems LLC (“Broadcom Defendants”).

In their Motion to Seal, the Broadcom Defendants seek leave of the Court to submit under seal certain documents or portions of documents they filed with their Evidentiary Supplement in Support of Defendants’ Joint Motion to Dismiss Plaintiffs’ Complaint or, Alternatively, to Transfer Venue (“Broadcom Defendants’ Evidentiary Supplement”) [Doc. 156]. More specifically, in addition to other documents the Broadcom Defendants sought to submit under seal, the Motion to Seal also moved the Court for leave to conditionally submit under seal the following: (1) Exhibit A to the Declaration of

Martin Skagen (“Skagen Declaration”) [Doc. 156-14; 160-13]; (2) portions of paragraphs 2 and 5 of the Skagen Declaration which discusses the contents of the aforementioned Exhibit A [Doc. 156-13; 160-12]; (3) portions of Exhibit B to the Skagen Declaration (at 6) which also discusses the contents of the aforementioned Exhibit A [Doc. 156-15; 160-14]; and (4) portions of the Broadcom Defendants’ Evidentiary Supplement (at 4) which likewise discusses the contents of the aforementioned Exhibit A.

All of the above-referenced information the Broadcom Defendants moved to “conditionally file” under seal contains commercially sensitive pricing information and/or proprietary information pertaining to the terms of the License Agreement at issue in this case. The Court has previously found, by Orders entered on September 14, 2021 and April 29, 2022, that good cause exists in this case for sealing such commercially sensitive pricing information because Plaintiffs’ privacy interests with respect to such pricing information outweigh the public’s interest in accessing such information since the public disclosure of such information could be used by Plaintiffs’ competitors to gain leverage over Plaintiffs. [Docs. 89; 132].

Consequently, Plaintiffs support the Broadcom Defendants’ Motion to Seal and particularly join in respectfully requesting the Court to grant the Broadcom Defendants leave to submit under seal the following: (1) Exhibit A to the Declaration of Martin Skagen (“Skagen Declaration”) [Doc. 156-14; 160-13]; (2) portions of paragraphs 2 and 5 of the Skagen Declaration which discusses the contents of the aforementioned Exhibit A [Doc. 156-13; 160-12]; (3) portions of Exhibit B to the Skagen Declaration (at 6) which also discusses the contents of the aforementioned Exhibit A [Doc. 156-15; 160-14]; and (4) portions of the Broadcom Defendants’ Evidentiary Supplement (at 4) which likewise discusses the contents of the aforementioned Exhibit A.

Plaintiffs do not take a position regarding the Broadcom Defendants' other requests in the Motion to Seal.¹

Respectfully submitted,

Dated: August 5, 2022

By: /s/ John L. Wood

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¹ While Plaintiffs do not take a position regarding Defendants' other requests, Plaintiffs note that Defendants' designations of "OCEO" (outside counsel eyes only) and SOURCE CODE RELATED MATERIALS are frequently problematic and have precluded Plaintiffs' counsel from sharing important information with their clients. Plaintiffs will meet and confer with Defendants to try to resolve this over-designation issue.